UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/602,485	06/24/2003	Andrew R. Ferlitsch	SLA1290	1107

50735   7590   04/27/2007

MADSON & AUSTIN
15 WEST SOUTH TEMPLE
SUITE 900
SALT LAKE CITY, UT 84101

EXAMINER
PHAM, THIERRY L

ART UNIT	PAPER NUMBER
2625	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/27/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

PTOL-90A (Rev. 10/06)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE **3** MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 June 2003*.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-25* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-25* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *03 October 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some *   c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date *10/16/03*.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

● This action is responsive to the following communication: Nonprovisional application filed on 6/24/03.

● Claims 1-25 are pending.

● IDS filed on 10/16/03 has been considered and herein attached (PTO 1449) with Office Action.

Specification

The disclosure is objected to because of the following informalities: ***Brief Summary of the Invention*** is missing from the specification. Appropriate correction is required.

Content of Specification

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

(a)   Title of the Invention: See 37 CFR 1.72(a) and MPEP § 606. The title of the invention should be placed at the top of the first page of the specification unless the title is provided in an application data sheet. The title of the invention should be brief but technically accurate and descriptive, preferably from two to seven words may not contain more than 500 characters.

(b)   Cross-References to Related Applications: See 37 CFR 1.78 and MPEP § 201.11.

(c)   Statement Regarding Federally Sponsored Research and Development: See MPEP § 310.

(d)   The Names Of The Parties To A Joint Research Agreement: See 37 CFR 1.71(g).

(e)   Incorporation-By-Reference Of Material Submitted On a Compact Disc: The specification is required to include an incorporation-by-reference of electronic documents that are to become part of the permanent United States Patent and Trademark Office records in the file of a patent application. See 37 CFR 1.52(e) and MPEP § 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text were permitted as electronic documents on compact discs beginning on September 8, 2000.

(f)   Background of the Invention: See MPEP § 608.01(c). The specification should set forth the Background of the Invention in two parts:

   (1)   Field of the Invention: A statement of the field of art to which the invention pertains. This statement may include a paraphrasing of the applicable U.S. patent classification definitions of the subject matter of the claimed invention. This item may also be titled "Technical Field."

   (2)   Description of the Related Art including information disclosed under 37 CFR 1.97 and 37 CFR 1.98: A description of the related art known to the applicant and including, if applicable, references to specific related art and problems involved in the prior art which are solved by the applicant's invention. This item may also be titled "Background Art."

(g)   Brief Summary of the Invention: See MPEP § 608.01(d). A brief summary or general statement of the invention as set forth in 37 CFR 1.73. The summary is separate and distinct from the abstract and is directed toward the invention rather than the disclosure as a whole. The summary may point out the advantages of the invention or how it solves problems previously existent in the prior art (and preferably indicated in the Background of the Invention). In chemical cases it should point out in general terms the utility of the invention. If possible, the nature and gist of the invention or the inventive concept should be set forth. Objects of the invention should be treated briefly and only to the extent that they contribute to an understanding of the invention.

(h)   Brief Description of the Several Views of the Drawing(s): See MPEP § 608.01(f). A reference to and brief description of the drawing(s) as set forth in 37 CFR 1.74.

(i)   Detailed Description of the Invention: See MPEP § 608.01(g). A description of the preferred embodiment(s) of the invention as required in 37 CFR 1.71. The description should be as short and specific as is necessary to describe the invention adequately and accurately. Where elements or groups of elements, compounds, and processes, which are conventional and generally widely known in the field of the invention described and their exact nature or type is not necessary for an understanding and use of the invention by a person skilled in the art, they should not be described in detail. However, where particularly complicated subject matter is involved or where the elements, compounds, or processes may not be commonly or widely known in the field, the specification should refer to another patent or readily available publication which adequately describes the subject matter.

(j)   Claim or Claims: See 37 CFR 1.75 and MPEP § 608.01(m). The claim or claims must commence on separate sheet or electronic page (37 CFR 1.52(b)(3)). Where a claim sets forth a plurality of elements or steps, each element or step of the claim should be separated by a line indentation. There may be plural indentations

to further segregate subcombinations or related steps. See 37 CFR 1.75 and MPEP § 608.01(i)-(p).

(k)   Abstract of the Disclosure: See MPEP § 608.01(f). A brief narrative of the disclosure as a whole in a single paragraph of 150 words or less commencing on a separate sheet following the claims. In an international application which has entered the national stage (37 CFR 1.491(b)), the applicant need not submit an abstract commencing on a separate sheet if an abstract was published with the international application under PCT Article 21. The abstract that appears on the cover page of the pamphlet published by the International Bureau (IB) of the World Intellectual Property Organization (WIPO) is the abstract that will be used by the USPTO. See MPEP § 1893.03(e).

(l)   Sequence Listing. See 37 CFR 1.821-1.825 and MPEP §§ 2421-2431. The requirement for a sequence listing applies to all sequences disclosed in a given application, whether the sequences are claimed or not. See MPEP § 2421.02.

Claim Rejections - 35 USC § 101

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter or any new and useful improvement thereof, may obtain a patent therefore, subject to the conditions and requirements of this title.

Claims 17-20 rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The claimed invention is a computer related invention. The Computer-Implemented Invention Guidelines issued by the U.S. Patent and Trademark Office describe the procedures for examining such inventions.

The first step is to determine whether the invention as defined by the claims falls within one of the three following categories of unpatentable subject matter: (1) Functional descriptive material such as a data structure *per se* or a computer program *per se*, (2) Non-functional descriptive material such as music, literary works or pure data, embodied on a computer readable medium; or (3) A natural phenomenon such as energy or magnetism. The invention as defined by the claims is not a natural phenomenon or pure data, however, it is a computer program per se, which does not mount/store on any computer-readable medium; therefore, these claims are rejected for non-statutory basis.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Raney (US 20020063880), and in view of Tanaka (US 6519048).

Regarding claim 1, Raney discloses Regarding claim 1, Raney discloses a method for monitoring (monitoring a print job, par. 25) an imaging job in a computer system (printing system, fig. 1), the method comprising:

• sending (sending via network 102, fig. 1) an imaging job to an imaging device (imaging devices 110, fig. 1);

• creating a background process (via using device monitoring software 216, fig. 2) on a computer system for monitoring the status (monitoring print job status, figs. 4-5) of the imaging job, wherein the computer system includes a despooling subsystem (despooling system 316, fig. 3), and wherein the background process is initiated by the despooling subsystem (despooling subsystem includes a device monitoring system for monitoring print job status, fig. 1, par. 27-28;

• sending a status message (sending print job status from printer to host device, par. 25) to the computing device; and

• receiving (receiving via network as shown in fig. 1) the status message by the background process (figs. 4-5).

Raney discloses an example of transmitting a status message from an image forming apparatus to the client computer, but does not explicitly teach and/or suggest how a network address of a computing device is obtained.

Tanaka, in the same field of endeavor for transmitting status message (fig. 7) from printer to host device, teaches a well-known example of obtaining a network address of a computer device (network address extracting means, figs. 8-9, col. 5, lines 35-45 and col. 7, lines 28-62).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify printing system of Raney to include a network address extracting means for extracting network address of computing device as taught by Tanaka (1) so status message regarding the print job can be sent to the correct address (i.e. owner of the print job, col. 2, lines 64-67 of Tanaka) and to prevent sending status message to authorized users; (2) printer's error can be resolved timely and efficiently (col. 10, lines 37-44 of Tanaka).

Therefore, it would have been obvious to combine Raney with Tanaka to obtain the invention as specified in claim 1.

Regarding claim 2, Raney further discloses the method of claim 1, further comprising delaying return to a print spooler until after the imaging job is completed (par. 25).

Regarding claim 3, Raney further discloses the method of claim 1, further comprising taking control of descheduling and clearing of the imaging job from a print spooler by a print processor (printer server 108, fig. 1).

Regarding claim 4, Raney further discloses the method of claim 1, wherein the imaging device is selected from the group consisting of a printer, a scanner, a fax machine, a copier and a document server (fig. 1).

Regarding claim 5, Raney further discloses the method of claim 1, further comprising using a protocol (network protocol, fig. 1) for communications between the computing device and the imaging device.

Regarding claim 6, Tanaka further teaches the method of claim 1, further comprising embedding the network address in the imaging job (fig. 3, 7-8).

Regarding claim 7, Raney further discloses method of claim 1, further comprising extracting (par. 31) the network address from a connection.

Regarding claim 8, Raney further discloses the method of claim 1, further comprising sending the network address (network address of sender is inherently included in order to transmit status, par. 31-32) from the computing device to the imaging device.

Regarding claim 9, Raney further discloses the method of claim 1, wherein the status message includes an identifier that enables the computing device to direct the status message to the processing listening for the message, and wherein the identifier is selected from the group consisting of a port, a file, a directory, an FTP address, an SNMP trap and an email address (email, par. 31).

Regarding claim 10, Raney further the method of claim 2, further comprising notifying a print processor of the status message after (par. 32-33) the status message has been received by the background process.

Regarding claim 11, Raney further discloses the method of claim 10, further comprising terminating the background process.

Regarding claim 12, Raney further discloses the method of claim 11, further comprising returning control back to the print spooler and indicating success/failure (par. 31-33) of the imaging job to the print spooler.

Regarding claim 13, Raney further discloses the method of claim 12, further comprising performing job recovery (par. 31-34)by the print spooler if the job recovery is necessary.

Regarding claim 14, Raney further discloses the method of claim 1, further comprising returning control back (fig. 4-5) to the print spooler.

Regarding claim 15, Raney further discloses the method of claim 1, further comprising descheduling and clearing (par. 23) of the imaging job by the background process.

Regarding claim 16, Raney further discloses the method of claim 1, wherein the background process runs asynchronously (fig.4-5). Also see figs. 5-7 of Tanaka for details.

Regarding claims 17-20 recite limitations that are similar and in the same scope of invention as to those in claims 1-3 and 10 above (respectively); therefore, claims 17-20 are rejected for the same rejection rationale/basis as described in claims 1-3 and 10 above (respectively).

Regarding claim 21, Tanaka further teaches a well-known example of computer readable medium (col. 15, lines 47-55) for storing computer instructions.

Regarding claim 22, Raney discloses a system (printing system, fig. 1) for monitoring an imaging job in a computer system, the system comprising:
• a computing device (ref. 104, fig. 1);
• an imaging device (ref. 110, fig. 1) in electronic communication with the computing device;
• executable instructions (software in memory 210, fig. 2) executable on the computing device (ref. 104, fig. 2), wherein the executable instructions are configured to implement a method comprising:
• sending (sending via network 102, fig. 1) an imaging job to an imaging device;
• creating a background process (via using device monitoring software 216, fig. 2) for monitoring the status of the imaging job, wherein the computer device includes a despooling subsystem (despooling system 316, fig. 3), and wherein the background process is initiated by the despooling subsystem;
• sending a status message (sending print job status from printer to host device, par. 25) to the computing device using the network address; and
• receiving (receiving via network as shown in fig. 1) the status message by the background process.

Raney discloses an example of transmitting a status message from an image forming apparatus to the client computer, but does not explicitly teach and/or suggest how a network address of a computing device is obtained.

Tanaka, in the same field of endeavor for transmitting status message (fig. 7) from printer to host device, teaches a well-known example of obtaining a network address of a computer device (network address extracting means, figs. 8-9, col. 5, lines 35-45 and col. 7, lines 28-62).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify printing system of Raney to include a network address extracting means for extracting network address of computing device as taught by Tanaka (1) so status message regarding the print job can be sent to the correct address (i.e. owner of the print job, col. 2, lines 64-67 of Tanaka) and to prevent sending status message to authorized users; (2) printer's error can be resolved timely and efficiently (col. 10, lines 37-44 of Tanaka).

Therefore, it would have been obvious to combine Raney with Tanaka to obtain the invention as specified in claim 22.

Regarding claim 23, Raney further discloses the system of claim 22, further comprising delaying return to a print spooler until after the imaging job is completed (par. 25).

Regarding claim 24, Raney further discloses the system of claim 22, further comprising taking control of descheduling and clearing of the imaging job from a print spooler by a print processor (printer server 108, fig. 1).

Regarding claim 25, Raney further discloses the system of claim 22, further comprising notifying a print processor of the status message after (par. 32-33) the status message has been received by the background process.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thierry L. Pham whose telephone number is (571) 272-7439. The examiner can normally be reached on M-F (9:30 AM - 6:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on (571)272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Thierry L. Pham
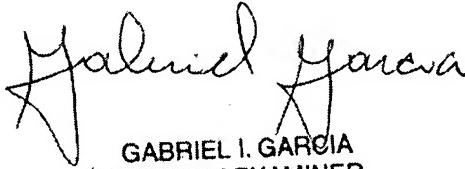
GABRIEL I. GARCIA
PRIMARY EXAMINER